

Notice of Allowability**Application No.**

09/596,924

Applicant(s)

BERSON ET AL.

Examiner

Aravind K. Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5 October 2007.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date see attachment.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This is in response to the communications filed on 5 October 2007.
2. Claims 1-21 are pending in the application.
3. Claims 1-21 have been allowed.
4. Claims 22-24 have been cancelled.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Park on 27 May 2008.

The application has been amended as follows:

Claim 8 (amended) A computer program embodied on a ~~compute~~ computer readable medium for pricing a cryptographic service, comprising:

- (a) a code segment that receives a request for a cryptographic service;
- (b) a code segment that identifies a computational burden required to perform the cryptographic service, including one or more of privacy level of the cryptographic service or speed of performing the cryptographic service; and
- (c) a code segment that determines a price of the cryptographic service based on at least one of computational burden, privacy level, and speed.

Allowable Subject Matter

6. Claims 1-21 are allowed.

The following is an examiner's statement of reasons for allowance:

The current application is directed towards a system, method and article of manufacture are provided for pricing a cryptographic service. A request for a cryptographic service is received. An identification is made of one or more of a computational burden required to perform the cryptographic service, a privacy level of the cryptographic service, and/or a speed of performing the cryptographic service. A price of the cryptographic service is determined based on the computational burden, privacy level, and/or speed. A method is also provided for pricing a cryptographic service based on a compactness of a cryptographic message. A request for encrypting a message is received. The message is encrypted and is also compressed during the encryption. An amount of compression of the message is determined. A price of the encryption is determined based on the amount of compression.

The closest prior art to the current application is Bhagavath et al U.S. Patent No. 6,343,117 B1 (hereinafter Bhagavath). Bhagavath is directed towards a method for initiating a security feature request at the beginning of or during an active telephone call. The telephone subscriber can select one of a plurality of security levels that may be required to ensure privacy during a call. Since each level of security is based on a different encryption and authentication algorithm, the levels of security can be incrementally priced. Thus, selecting an algorithm which is deemed to be very secure can be billed to the subscriber at a higher rate than an algorithm that is deemed to be less secure.

However, Bhagavath differs from the current application in several aspects. Step (b) of the independent claims includes the limitation of identifying a computation burden for the requested service. As shown in step 720 of figure 7 the computational burden and/or the selected privacy level and/or the selected speed of performance is used to determine the price of the cryptographic service as per element (c) of the independent claims. While Bhagavath does teach determining a price for encryption of VoIP data based on the desired privacy level, nothing in Bhagavath teaches step (c) of identifying a computational burden required to perform the cryptographic service. Pricing in Bhagavath appears to be value-oriented as is seen by Column 2, lines 28-39 where Bhagavath provides justification for higher prices but this text does not disclose to one skilled in the art step (c) of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aravind K Moorthy/
Examiner, Art Unit 2131
/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2131